

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANIEL L. SANDERS,

Petitioner;

V.

LESLIE RYDER,

Respondent.

NO. 00-CV-05564 RJE

ORDER GRANTING WRIT OF HABEAS CORPUS

This Petition for Writ of Habeas Corpus is before the Court on remand from the Ninth Circuit Court of Appeals. The Ninth Circuit, in a memorandum decision dated June 7, 2006, reversed and remanded the prior decision of the Court. In the decision (Clifton, J. dissenting) the Ninth Circuit held that trial counsel failed to provide effective assistance of counsel under Strickland v. Washington, 466 U.S. 668 (1984). Subsequent to the decision in the Ninth Circuit, Respondent filed a motion for rehearing En Banc. This motion was denied on August 14, 2006. The mandate was subsequently issued on August 22, 2006.

Petitioner is presently released from custody, under the supervision of the Washington Department of Corrections. Mr. Sanders is presently registered with the Clark County Sheriff's Department as a sex offender in accordance with Rev. Code of Wash 9A.44.130.

Therefore, the Petition is therefore GRANTED. Mr. Sanders shall be immediately relieved of all consequences of the original criminal conviction, both direct and collateral. Mr. Sanders shall no longer be under the jurisdiction of the Washington Department of Corrections. Mr. Sanders shall

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1 not be required to register as a sex offender as a collateral consequence of the criminal conviction.
2 The State of Washington shall have 120 days from the date of this Order to set a date for a new trial.
3 The Clerk is directed to send copies of this Order to counsel of record.

4 DATED this 28th day of August, 2006.

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Robert J. Bryan
United States District Judge